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Security Council

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# Germany, Romania, Spain, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

*The Security Council,*

*Recalling* its resolution 1556 (2004) of 30 July 2004, the statement of its President of 25 May 2004 (S/PRST/2004/18), its resolution 1547 (2004) of 11 June 2004 and resolution 1502 (2003) of 26 August 2003, and *taking into account* the Plan of Action agreed by the Secretary-General's Special Representative to Sudan and the Government of Sudan,

*Welcoming* the Secretary-General's report of 30 August 2004 (S/2004/703) and the progress achieved on humanitarian access, and expressing concern that paragraphs 59-67 indicate that the Government of Sudan has not fulfilled the entirety of its commitments under resolution 1556 (2004) and taking into account the need to foster and restore the confidence of vulnerable populations and to improve radically the overall security environment in Darfur; and *welcoming* the recommendations contained in the report, particularly those concerning the desirability of a substantially increased African Union Mission presence in the Darfur region of Sudan,

*Welcoming* the leadership role and the engagement of the African Union in addressing the situation in Darfur,

*Welcoming* the 6 September 2004 letter to the President of the Security Council from the President of the African Union, Nigerian President Olusegun Obasanjo, including his appeal for international support for the extension of the African Union Mission in Darfur,

*Reaffirming* its commitment to the sovereignty, unity, territorial integrity, and independence of Sudan, as consistent with the Machakos Protocol of 20 July 2002 and subsequent agreements based on this Protocol as agreed to by the Government of Sudan,

*Recalling* the Joint Communiqué of 3 July 2004 of the Government of Sudan and the United Nations Secretary-General, and *recognizing* the efforts undertaken by the Joint Implementation Mechanism (JIM) and the Special Representative of the Secretary-General to advance the aims of the communiqué and the requirements of resolution 1556 (2004),

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*Welcoming* that the Government of Sudan has taken a number of steps to lift administrative obstructions to the delivery of humanitarian relief, which has resulted in access for an increased number of humanitarian personnel in Darfur as well as international human rights non-governmental institutions, and *recognizing* that the Government of Sudan has broadened its cooperation with United Nations humanitarian agencies and their partners,

*Urging* the Government of Sudan and the rebel groups to facilitate this humanitarian relief by allowing unfettered access for humanitarian supplies and workers, including across Sudan's borders with Chad and Libya by land and by air as may be required,

*Expressing* grave concern at the lack of progress with regard to security and the protection of civilians, disarmament of the Janjaweed militias and identification and bringing to justice of the Janjaweed leaders responsible for human rights and international humanitarian law violations in Darfur,

*Recalling* that the Sudanese Government bears the primary responsibility to protect its population within its territory, to respect human rights, and to maintain law and order, and that all parties are obliged to respect international humanitarian law,

*Stressing* that the Sudanese rebel groups, particularly the Justice and Equality Movement and the Sudanese Liberation Army/Movement, must also take all necessary steps to respect international humanitarian and human rights law,

*Emphasizing* that the ultimate resolution of the crisis in Darfur must include the safe and voluntary return of internally displaced persons and refugees to their original homes, and *noting* in that regard the 21 August 2004 Memorandum of Understanding between the Government of Sudan and the International Organization for Migration (IOM),

*Expressing* its determination to do everything possible to end the suffering of the people of Darfur,

*Determining* that the situation in Sudan constitutes a threat to international peace and security and to stability in the region,

*Acting* under Chapter VII of the United Nations Charter,

1. *Declares* its grave concern that the Government of Sudan has not fully met its obligations noted in resolution 1556 (2004) and the 3 July Joint Communiqué with the Secretary-General to improve, as expected by the Council, the security of the civilian population of Darfur in the face of continued depredations, and *deplores* the recent ceasefire violations by all parties, in particular the reports by the Cease Fire Commission of Government of Sudan helicopter assaults and Janjaweed attacks on Yassin, Hashaba and Gallab villages on 26 August 2004;

2. *Welcomes* and *supports* the intention of the African Union to enhance and augment its monitoring mission in the Darfur region of Sudan, and encourages the undertaking of proactive monitoring;

3. *Urges* Member States to support the African Union in these efforts including by providing all equipment, logistical, financial, material and other resources necessary to support the rapid expansion of the African Union Mission

and by supporting the efforts of the African Union aimed at a peaceful conclusion of the crisis and the protection of the welfare of the people of Darfur, *welcomes* the Government of Sudan's request to the African Union to increase its monitoring presence in Darfur in its 9 September 2004 letter to the Security Council, and *urges* the Government of Sudan to take all steps necessary to follow through with this commitment and to cooperate fully with the African Union to ensure a secure and stable environment;

4. *Calls upon* the Government of Sudan and the rebel groups, particularly the Justice and Equality Movement and the Sudanese Liberation Army/Movement, to work together under the auspices of the African Union to reach a political solution in the negotiations currently being held in Abuja under the leadership of President Obasanjo, *notes* the progress made to date, *urges* the parties to the negotiations to sign and implement the humanitarian agreement immediately, and to conclude a protocol on security issues as soon as possible, and *underscores* and *supports* the role of the African Union in monitoring the implementation of all such agreements reached;

5. *Urges* the Government of Sudan and the Sudan People's Liberation Movement to conclude a comprehensive peace accord expeditiously as a critical step towards the development of a peaceful and prosperous Sudan;

6. *Affirms* that internally displaced persons, refugees and other vulnerable peoples should be allowed to return to their homes voluntarily, in safety and with dignity, and only when adequate assistance and security are in place;

7. *Reiterates* its call for the Government of Sudan to end the climate of impunity in Darfur by identifying and bringing to justice all those responsible, including members of popular defense forces and Janjaweed militias, for the widespread human rights abuses and violations of international humanitarian law, and *insists* that the Government of Sudan take all appropriate steps to stop all violence and atrocities;

8. *Calls on* all Sudanese parties to take the necessary steps to ensure that violations reported by the Cease Fire Commission are addressed immediately and that those responsible for such violations are held accountable;

9. *Demands* that the Government of Sudan submit to the African Union Mission for verification documentation, particularly the names of Janjaweed militiamen disarmed and names of those arrested for human rights abuses and violations of international humanitarian law, with regard to its performance relative to resolution 1556 (2004) and the 8 April 2004 N'djamena ceasefire agreement;

10. *Demands* all armed groups, including rebel forces, cease all violence, cooperate with international humanitarian relief and monitoring efforts and ensure that their members comply with international humanitarian law, and facilitate the safety and security of humanitarian staff;

11. *Reiterates* its full support for the 8 April 2004 N'djamena ceasefire agreement, and in this regard *urges* the Government of Sudan to refrain from conducting military flights in and over the Darfur region in accordance with its commitments;

12. *Requests* that the Secretary-General rapidly establish an international commission of inquiry in order immediately to investigate reports of violations of

international humanitarian law and human rights law in Darfur by all parties, to determine also whether or not acts of genocide have occurred, and to identify the perpetrators of such violations with a view to ensuring that those responsible are held accountable, *calls on* all parties to cooperate fully with such a commission, and *further requests* the Secretary-General, in conjunction with the Office of the High Commissioner for Human Rights, to take appropriate steps to increase the number of human rights monitors deployed to Darfur;

13. *Calls on* Member States to provide in an urgent manner generous and sustained contributions to the humanitarian efforts under way in Darfur and Chad to address the shortfall in response to continued United Nations appeals, *emphasizes* the need for Member States to fulfil their pledges forthwith, and *welcomes* the substantial contributions made to date;

14. *Declares* that the Council, in the event the Government of Sudan fails to comply fully with resolution 1556 (2004) or this resolution, including, as determined by the Council after consultations with the African Union, failure to cooperate fully with the expansion and extension of the African Union monitoring mission in Darfur, *shall consider* taking additional measures as contemplated in Article 41 of the Charter of the United Nations, such as actions to affect Sudan's petroleum sector and the Government of Sudan or individual members of the Government of Sudan, in order to take effective action to obtain such full compliance or full cooperation;

15. *Requests* that, in the monthly reports pursuant to resolution 1556 (2004), the Secretary-General report to the Council on the progress or lack thereof by the Government of Sudan in complying with the Council's demands in this resolution and the effort by the Government of Sudan and the Sudan People's Liberation Movement to conclude a comprehensive peace accord on an urgent basis;

16. *Decides* to remain seized of the matter.